IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 304 of 2005

Between:

1 Mohd. Ilyas, S/o. Late Mohd. Abbas,
H.No. 8-9-206, Khammam.
2 Mohd. Waheed Ahmed, S/o. Late M.A. Khadar,
H.No. 8-9-126/1, Khammam.

..... PETITIONER(S)

AND

1 The A.P. State Wakf Board, rep. by its Chief Executive Officer,
Haj House, Public Gradens Road, Nampally, Hyderabad.
2 The Special Officer, A.P. State Wakf Board,
Haj House, Public Gardens Road, Nampally, Hyderabad.

.....RESPONDENT(S)

Petition filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus declaring the inaction of the respondents in passing appropriate orders for appointment of the petitioners as Mutawallies of Ashurkhana Bade-Shahi, Inside Fort, Khammam, duly sanctioning the Towliyath in the names of the petitioners as illegal, irregular arbitrary, unreasonable, unconstitutional, unjustified and unsustainable, and direct the respondents to forthwith appoint the petitioners as Mutwallies of the above said institutions and pass order or other orders as it may deem fit.

Counsel for the Petitioners:MR.P.VEERA REDDY

Counsel for the Respondents: MR.S.M.SUBHANI (SC FOR AP WAKF BOARD)

The Court at the stage of admission made the following :

ORDER:

Petitioners state that their respective fathers were the Mutawallies of Ashurkhana Bade-Shahi, a notified Wakf, situated at Khammam. It is stated that after the death of their fathers, the petitioners submitted applications for recognizing them as Mutawallies, way back in the year 2002, and though objections were called for, and all the formalities were completed, no formal orders have been passed so far. They seek appropriate directions in this regard.

Heard the learned counsel for the petitioners and learned Standing Counsel for the respondents.

The 1st respondent is empowered to appoint, or recognize the Mutawallies, in respect of various wakfs, under the Wakf Act. Several considerations are to be taken into account, before an individual is appointed or recognized as a Mutawalli. The claim of the petitioners is based on succession. According to them, necessary preliminary steps have already been taken, and only formal final orders, are to be passed. This Court is not posted with the entire facts, at this stage, in relation to the process of the applications of the petitioners. At the same time, their applications cannot be kept pending, indefinitely.

Hence, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders on the applications filed by the petitioners, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.19-01-2005

Note:

c.c.in three days.

(B/O)

KO

To

1 The A.P. State Wakf Board, rep. by its Chief Executive Officer,
Haj House, Public Gradens Road, Nampally, Hyderabad.
2 The Special Officer, A.P. State Wakf Board,
Haj House, Public Gardens Road, Nampally, Hyderabad.

3. 2 CD copies.

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 304 of 2005

Dated 19-01-2005